

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

CECILIA NICHOLAS,

Plaintiff,

Civ. Action No.
3:10-CV-1565 (TJM/DEP)

v.

CITY OF BINGHAMTON, NEW YORK, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

CECILIA NICHOLAS, *Pro Se*
52 Lathrop Avenue
Binghamton, NY 13905

FOR DEFENDANT CITY OF
BINGHAMTON

CITY OF BINGHAMTON
CORPORATION COUNSEL
38 Hawley Street
City Hall
Binghamton, NY 13901

BRIAN M. SEACHRIST, ESQ.

FOR REMAINING DEFENDANTS

LEONARD, CUMMINGS LAW FIRM PATRICIA A. CUMMINGS, ESQ.
84 Court Street
Suite 402
Binghamton, NY 13901

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

ORDER

Currently pending before the court in connection with this action is an application by *pro se* plaintiff Cecilia Nicholas for leave to amend her complaint. Dkt. No. 29. The sole purpose of the motion was to permit the addition of a request for equitable relief “finding that Defendant improperly and unnecessarily invoked mental hygiene law § 9.41 against the plaintiff and thus Plaintiff’s detention and emergency evaluation pursuant to that provision would illegally procured by fraud, error or falsify documents[,]”, and requesting that all such records be sealed. See Proposed Second Amendment Complaint (Dkt. No. 29-1) ¶ 141. Both defendants have opposed plaintiff’s motion as untimely. Dkt. Nos. 36, 37.

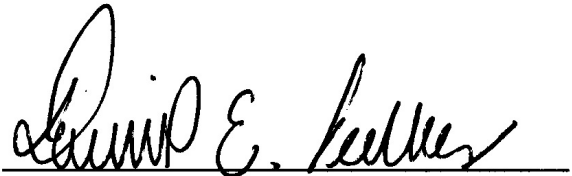
Oral argument was conducted in connection with plaintiff’s motion on May 18, 2012. At the close of argument I granted the application, despite its patent untimeliness, in the interest of justice, and based upon a finding of lack of prejudice. Based upon the foregoing and the court’s bench decision, which is incorporated herein by reference, it is hereby

ORDERED as follows:

- 1) Plaintiff’s motion for leave to amend (Dkt. No. 29) is

GRANTED.

2) The clerk is directed to promptly forward copies of this order to the parties pursuant to the court's local rules.

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge

Dated: May 25, 2012
Syracuse, NY